

DEC 23 2005

PTO/SB/64 (10-05)

Approved for use through 07/31/2006, OMB 0551-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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|--------------------------------------------------------------------------------------------------------------|--|--------------------------|
| PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) | | Docket Number (Optional) |
|--------------------------------------------------------------------------------------------------------------|--|--------------------------|

First named inventor: *Kenny Lannes*Application No.: *10/701,514*

Art Unit:

Filed: *11-06-2003*

Examiner:

Title:

Attention: Office of Petitions
Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450
 FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity-fee \$ 750 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Corrections & Abstract & Claims (identify type of reply):

has been filed previously on _____ 12/27/2005 TL0111 00000069 10701514
 is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ 01 FC:2453 750.00 0P
 has been paid previously on _____
 is enclosed herewith.

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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3. Terminal disclaimer with disclaimer fee

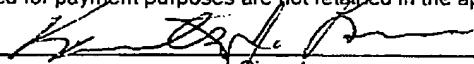
Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



 Signature

 12/22/05

 Date

 Kenneth J. Lannes

Typed or printed name

 607 English Turn Dr.

 Address

Registration Number, if applicable

 228 326 3196

 Telephone Number

 New Orleans, LA. 70131

 Address

 Enclosures: Fee Payment

 Reply

 Terminal Disclaimer Form

 Additional sheets containing statements establishing unintentional delay

 Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

12/22/05

Date



 Signature

 Kenneth J. Lannes

 Typed or printed name of person signing certificate

**Petition for revival of an application for patent abandoned unintentionally under 37
CR 1.137(b)**

12/22/2005

After the patent was filed on 11/06/2003 I waited to hear a reply from the PTO. I have two previous patents and was well aware that this is a lengthy process. Later I received a letter with the assigned application number for the application – 10/701,514. About a year after that I called and checked with the PTO on the status of the application. It was either at this time, or later when I called about the abandonment notice, that I talked with agent Cronin. The first time I called, I was told that everything was in order and the application was being processed. Apparently this was not the case and I later received the abandonment notice. Why I did not receive the necessary communiqué, or was told of any problems when I called, I do not know, I made an effort to check on the status.

After trying to understand what had happened by retracing my documentation, I decided to give up and just petition for revival of the application. It was at this time I was told by an agent on the phone that I should have 1 to 2 years to reapply, he wasn't 100% sure. I was disappointed I could not get a more definite answer. However, I did find the following at the PTO website under "Typical problems found in 37 CFR 1.137 Petitions" paragraph 4 –

"While questions are not normally raised when petitions under the unintentional standard are filed within one year of the date of abandonment, it is not appropriate to intentionally delay . . .".

Given the Notice of Abandonment was mailed 01-6-2005, I have done my best to meet the one year recommendation and am meeting this deadline with this petition. The number one obstacle in filing the petition was the financing. This caused an unintentional delay along with not knowing there was an issue with the original application. However after funding was available, Hurricane Katrina struck. To this day I am still permanently dislocated and have lost many of my personal and business records, including my original copy of the patent application. I hope the PTO understands that the national tragedy due to Katrina was beyond any of our wildest dreams. We lost all of the computers and filing cabinets in our offices. You can see from the original application that I lived in New Orleans. My current temporary address is

3420 Government St.
Ocean Springs, MS 39564

To add insult to injury, following this explanation you will find a print out of an email from the PTO explaining that the request for my copy of the patent has been denied. After I angrily explained that I had already explained my circumstances 3 times over the phone and had lost everything in Katrina, the PTO employee I was dealing with, finally processed my request.

Furthermore, it is confusing in that the number on the "Notice of Abandonment", 703-305-9282, is apparently not the correct number. Trying to call the number only gives me a recording that the number was dialed incorrectly. Please direct all correspondence to my new address. For these reasons, I am petitioning the USPTO to revive application number 10/701,514. Enclosed are the appropriate fees and replies.

Sincerely,



Kenny Lannes
Cell 228 326 3196